

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JUDGMENT IN A CIVIL CASE

DAVID P. BARTON, JR.

VS.

**CASE NUMBER: 3:08-cv-810
(FJS/VEB)**

COMMISSIONER OF SOCIAL SECURITY

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the Report and Recommendation of Magistrate Judge Victor E. Bianchini is hereby accepted in its entirety. This matter is REMANDED to the Commissioner for further administrative proceedings in accordance with Sentence 4 of 42 U.S.C. § 405(g). This action is hereby closed.

All of the above pursuant to the Order of the Honorable Senior United States District Judge Frederick J. Scullin, Jr., dated the 16th day of December, 2009.

DATED: December 16, 2009



Clerk of Court

s/

Melissa Ennis
Deputy Clerk